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LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th April, 1963:—

BILL No. 17 OF 1963

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898.

Be it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the Criminal Law Amendment Act, 1963. Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

CHAPTER II

10 AMENDMENTS TO THE INDIAN PENAL CODE

45 of 1860.

2. In section 292 of the Indian Penal Code, for the words "shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both", the following shall be substituted, namely:— Amendment of section 292.

- 15 "shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine."

Insertion of new section 292A. 3. After section 292 of the Indian Penal Code, the following section shall be inserted, namely:—

Printing etc. of grossly indecent or scurrilous matter or matter intended for blackmail.

"292A. Whoever—

(a) prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail; or

(b) by words, either spoken or intended to be read, or by signs or by visible representations, makes any imputation which is grossly indecent or is scurrilous or intended for blackmail, concerning any person; or signs, recites or utters any songs, ballad or words in or near any public place knowing or having reason to believe that such songs, ballad or words are of a nature which is grossly indecent or is scurrilous or intended for blackmail; or

(c) sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail; or

(d) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or publicly exhibited or in any manner put into circulation; or

(e) takes part in, or receives profits from, any business or in the course of which, he knows or has reason to believe that, any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased; or

(f) advertises or makes known by any means whatsoever that any person is engaged, or is ready to engage, in any act

which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail, can be procured from or through any person; or

- 5 (g) offers or attempts to do any act which is an offence under this section, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both:

- 10 Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.

- 15 *Explanation I.*—For the purposes of this section, the words ‘scurrilous’ shall be deemed to include any matter which is likely to be injurious to morality or is calculated to harm the reputation of any person:

Provided that it is not scurrilous to express in good faith anything whatsoever respecting the conduct of,—

- 20 (i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further, or

(ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further.

- 25 *Explanation II.*—In deciding whether any person has committed an offence under this section, the Court shall have regard, among other things, to the following consideration:—

- 30 (a) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(b) any evidence offered or called by or on behalf of the prosecution regarding the general character and dominant effect of any matter previously printed, exhibited, distributed or circulated by the accused person;

- 35 (c) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section.”

Amendment
of section
293.

4. In section 293 of the Indian Penal Code,—

(i) for the words “any such obscene object as is referred to in the last preceding section”, the words, figures and letter “any such obscene object as is referred to in section 292 or any such newspaper, periodical, circular, picture or other printed or written document as is referred to in section 292-A” shall be substituted; 5

(ii) for the words “which may extend to six months”, the words “which may extend to three years” shall be substituted.

CHAPTER III

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AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1898

Amendment
of section
99-A.

5. In the Code of Criminal Procedure, 1898, in sub-section (1) of section 99-A,— 5 of 1898.

(a) after the words “the religious beliefs of that class”, the words “or any matter which amounts to defamation”; and 15

(b) after the words, figures and letter “or section 295-A”, the words and figures “or section 500”

shall be inserted.

Amendment
of section
108.

6. In the Code of Criminal Procedure, 1898, in section 108, after item (c), the following shall be inserted, namely:— 20

“(d) any matter which amounts to defamation under the Indian Penal Code,”

Amendment
of section
521.

7. In the Code of Criminal Procedure, 1898, in sub-section (1) of section 521, after the word and figures “section 292”, the word, figures and letter “section 292-A” shall be inserted. 25

Amendment
of Schedule
II.

8. In the Code of Criminal Procedure, 1898, in Schedule II, for the entries relating to sections 292 and 293, the following entries shall be substituted, namely:—

1	2	3	4	5	6	7	8
“292	Sale, etc. of obscene books, etc.	Ditto.	Ditto	Ditto.	Imprisonment of either description for two years, or fine, or both and for	Magistrate of the first class.	30

	1	2	3	4	5	6	7	8
5								a second or any subsequent offence, imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.
10								
15	292-A	Printing, sale etc. of grossly indecent or scurrilous matter or matter intended for blackmail.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
20								
25	293	Sale etc. of obscene objects and grossly indecent or scurrilous matter or matter intended for blackmail to young persons.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for three years, or fine or both.	Ditto."
30								

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CHAPTER IV

MISCELLANEOUS

9. If, immediately before the date on which this Act comes into force, there is in force in any State, any law corresponding to this Act. that law shall stand repealed on the said date, Repeal.

STATEMENT OF OBJECTS AND REASONS

It is a matter of deep concern that Yellow Press in this country has been growing unchecked and has been indulging very freely in scurrilous attacks against persons of status and standing, with impunity. The writings are grossly indecent, obscene or intended for blackmail. Being afraid of giving undue publicity to these infamous writings, the persons affected are usually reluctant to take legal action available to them under the ordinary law against such publishers. There have been a few instances of foreign dignitaries also being subjected to scurrilous attacks in the press and such attacks on foreign dignitaries, if allowed unchecked, may have an adverse impact on friendly relations of our country with foreign countries. There is at present no Central Act to effectively deal with such writings after the repeal, in 1957, of the Press (Objectionable Matter) Act, 1951. In such a matter concerning the whole of India, it is desirable that Parliament undertake suitable legislation to combat this evil so that any such legislation may be of a uniform character applicable throughout the country. If the growth of such writing is not curbed effectively, the Government would be failing in their duty of protecting the elementary rights of citizens in a welfare State.

2. It is, therefore, considered that the effective way of combating the evils of obscenity, scurrility, gross indecency and blackmailing in writing is—

- (1) to provide for the enhancement of the penalty under section 292 of the Indian Penal Code from three months to two years and also to provide for more deterrent punishment for a second or subsequent offence;
- (2) to penalise printers, publishers, writers etc. of scurrilous matter which is grossly indecent or intended for blackmail;
- (3) to penalise not only sale, etc. of obscene objects but also sale etc. of scurrilous writings or writings which are grossly indecent or intended for blackmail, to young and unwary persons or to those of impressionable age;
- (4) to enhance the maximum term of imprisonment specified in section 293 I.P.C. from six months to three years;

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- (5) to penalise persons who indulge in talk which is scurrilous, grossly indecent or intended for blackmail;
 - (6) to demand security for good behaviour from person disseminating defamatory matters; and
 - (7) to forfeit to Government publications containing matter which are defamatory within the meaning of section 499 I.P.C.

3. It is also proposed to make consequential amendments to the Code of Criminal Procedure and to repeal the corresponding laws in force in any of the States.

4. The Bill seeks to achieve the above objects.

T. LAKSHMI KANTHAMMA.

NEW DELHI;

The 14th March, 1963.

BILL No. 14 OF 1963

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1963. Short title.

5 2. In article 368 of the Constitution,—

(a) for the words “a majority of the total membership”, the words “a majority of not less than two-thirds of the total membership” shall be substituted;

Amendment
of article
368.

(b) for the word “two-thirds”, the word “three-fourths” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Within the short span of thirteen years, the Constitution has been amended fourteen times, and two more amending Bills are on the anvil of Parliament. While the Constitution must not be regarded as a rigid, sacrosanct document, yet its amendment should not be resorted to lightly.

The Bill seeks to so amend the Constitutional provision for an amendment of the Constitution as to ensure that such amendment subserves not narrow, partisan ends, but genuine national interest and social justice.

NEW DELHI;

HARI VISHNU KAMATH.

The 27th February, 1963.

M. N. KAUL,
Secretary.

